

REMARKS

Favorable reconsideration and allowance of this application are requested.

As a procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the August 16, 2007 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

I. Discussion of Claim Amendments

By way of the amendment instructions above, the subject matter of claim 8 has been incorporated into the amended version of claim 1. As such, claim 8 has been cancelled along with prior cancelled claims 9-12. In addition, claim 1 has been clarified so as to address the Examiner's criticisms, for example, to clarify that a "post reactor" is present so as to receive a withdrawn part of the reaction mixture from the loop reactor. Such withdrawn part of the reaction mixture is therefore heated in step (e) within the post reactor so as to achieve the reduced free MA content defined therein.

Therefore, following entry of this amendment, claims 1-7 will remain pending in this application for which favorable reconsideration and allowance are solicited.

II. Response to 35 USC §103(a) Issue

The only issue remaining to be resolved in this application is the Examiner's rejection of prior claims 1-8 under 35 USC §103(a) as allegedly being unpatentable over Ulmer et al (USP 5,759,522) in view of Franz et al (DE 42 36 058 A1). As will become evident from the following discussion, claims 1-7 pending herein are patentably *unobvious* over the combination of Ulmer et al and Franz et al.

Applicants note in this regard that Ulmer et al is directed at reducing the volatile organic compounds (VOC) in hair spray. The preparation of an alkyl half ester of maleic

anhydride and methyl ether copolymer is described. As acknowledged by the Examiner, Ulmer et al is silent on a continuous process of preparing an alkyl half ester of maleic anhydride and methyl ether copolymer.

Franz et al. teaches that the final product in the outlet has at least 10 weight % monomer. A such, a person of ordinary skill in the art would **not** be directed or motivated to combine the teachings of Ulmer et al and Franz et al in solving the problem of the present invention.

In this regard, it will be noted that the initiators of the present invention are selected on the basis on their half life time at the reaction temperature (see the specification at page 4, lines 10-11). To ensure that the maleic acid concentration is minimized, the remainder of the initiator is decomposed at a higher rate by increasing the reaction temperature (see the specification at page 8, line 34 to page 9, line 2). If the temperature is not increased in this fashion, the maleic acid would not decrease to the desired level or the reactor size would need to be uneconomically large to achieve a sufficient residence time for the desired residual maleic acid level to be achieved.

Therefore, applicants submit that the subsequent heating ***in the post reactor*** is essential according to the embodiment of the invention embraced by the pending claims. As Ulmer et al essentially completely reacts the maleic acid in a batch – **not** continuous -- reaction, such a subsequent step is not required. This process variation thus highlights a fundamental difference between the present invention and Ulmer et al.

Applicants also note that, rather than Franz et al teaching to increase the temperature in the post reactor, Franz et al directs that the process is ***adiabatic***. An adiabatic process is used to promote an improved molecular weight distribution, rather than driving the maleic acid to residual levels as defined in pending independent claim 1. Consequently, pending independent claim 1 is patentably unobvious over Ulmer et al and Franz et al.

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Pending claims 2-7 are patentably unobvious for the same reasons noted above.

Applicants therefore submit that pending claims 1 to 7 are patentably non-obviousness over Ulmer et al in light of Franz et al. Withdrawal of the rejection advanced against claims 1-8 under 35 USC §103(a) based on such applied publications is therefore in order.

III. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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